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UNCLAS SECTION 01 OF 04 HANOI 003069

SIPDIS

SENSITIVE

DEPT PASS TO EAP/BCLTV; EAP/RSP; DRL; PRM; CA; PM; T;
STATE PASS TO USTR FOR E.BRYAN

E.O. 12958: N/A

TAGS: PREL PHUM PREF OTRA OVIP MASS ETRD EAID EINV VM KICC WTO RELFREE HUMANR ETMIN
SUBJECT: GVN EAGER TO CONCLUDE WTO NEGOTIATIONS,
NONCOMMITTAL ON RELIGIOUS FREEDOM, ARTICLE 98, OTHER U.S.
PRIORITIES

Ref: A. Hanoi 1699 B. Hanoi 2863 C. Hanoi 2594

11. (U) Summary: Vice Foreign Minister Le Van Bang told the Ambassador that a visit by Prime Minister Phan Van Khai was possible at the end of the first half of 2005, and discussed possible steps to "create the proper atmosphere" for the visit. As one step, the GVN would like to see a conclusion of negotiations with the United States on Vietnam's accession to the WTO. On the steps the United States would like to see, including religious freedom and Central Highlands progress, and agreements on Article 98 and International Military Exchange and Training (IMET), VFM Bang stuck close to the usual GVN line and made no commitments. He said the MFA would consider opening discussions with the USG on the terms of acquisition of the site for the new Embassy compound. End Summary.

ELECTION CONGRATULATIONS AND MOVING FORWARD ON A PM VISIT

12. (SBU) The Ambassador, accompanied by Poloff, hosted Vice Minister of Foreign Affairs Le Van Bang for lunch November **110.** VFM Bang congratulated the United States on a successful election and stated that the President's reelection meant that the United States and Vietnam can move ahead with plans for a visit by Prime Minister Phan Van Khai. The GVN will be able to provide a formal proposal in December, VFM Bang said, when the 2005 travel plan for Vietnam's leadership is approved. VFM Bang said he thinks this visit will be planned for the first half of 2005, adding that the United States and Vietnam should begin working now to take the necessary steps to "create the right atmosphere for the visit." VFM Bang suggested that among the first of such necessary steps was for the United States and Vietnam to conclude negotiations on Vietnam's accession to the World Trade Organization (WTO).

13. (SBU) VFM Bang said that the recent bilateral meetings in Washington on WTO had been "very positive" and that the Vietnamese delegation believes that Vietnam is "ready to go forward." VFM Bang noted that Chile and Vietnam have finished their bilateral negotiations, and that Brazil would announce the conclusion of that bilateral negotiation when President Tran Duc Luong visited later in the month. The Europe negotiation was finished, VFM Bang said, but China and Japan were both on the horizon. Vietnam wants to conclude negotiations with the United States as a point of leverage against the Japanese and Chinese, he added. The Ambassador said that, while there is considerable work to be done, the United States was wholly in favor of Vietnam's entry into the WTO. He reminded VFM Bang that Vietnam's accession would trigger a vote in Congress on Permanent Normal Trade Relations (PNTR). Before that debate, the Ambassador suggested, Vietnam should try to cultivate American business support by resolving some ongoing issues, such as insurance licensing and tax rates on automobiles.

14. (SBU) VFM Bang brought up his planned March visit to Texas Tech University and suggested that in addition to that event, the United States and Vietnam work together to create other cultural and trade events so that there could be a "calendar" of U.S.-Vietnam events during 2005 celebrating the tenth anniversary of U.S.-Vietnam relations.

15. (SBU) The Ambassador noted to VFM Bang that there were other issues the United States believes "important" for creating the proper conditions for a visit by PM Khai. Among those issues are the signing of an Article 98 agreement and achieving progress on the religious freedom issue.

ARTICLE 98

16. (SBU) The Ambassador told VFM Bang that the results of the election ensure that Article 98 agreements will continue to be a priority for the United States. With 96 countries already having executed Article 98 agreements with the United States, and with Vietnamese policy already agreeing

that Vietnam would not render an American serviceman to the International Criminal Court, signing a document with the United States formalizing that fact should not be a problem, the Ambassador emphasized. VFM Bang acknowledged that this issue is a "matter of principle" for the Europeans and hinted that Vietnam found itself being pressured by both sides on an issue that is not central to Vietnam's interests. The Ambassador stressed that this is a bilateral issue between the United States and Vietnam, one that can be solved with a simple political decision. VFM Bang said that a "creative" decision was needed that addresses the concerns of all sides, including the Europeans.

RELIGIOUS FREEDOM

17. (SBU) Religious freedom and Vietnam's designation as a country of particular concern (CPC) is another issue that must be resolved to create the proper conditions for the PM's visit, the Ambassador said. In advance of the December 15 "90-day deadline" for a USG response to CPC designation, the United States would be looking closely at GVN actions, in particular the expected November 15 release of implementing regulations for the new ordinance on religion. Robust protections for religious freedom contained in the implementing regulations and vocal publicity from leadership figures calling on the entire country to follow the ordinance would be strong indicators of GVN commitment, the Ambassador added. The issue of the treatment of high-profile religious freedom cases is also important, the Ambassador said. The upcoming case of Mennonite Pastor Le Chi Quang (reftel A) is one good example: it would be a positive step for the GVN to grant the request for an officer from the U.S. Consulate General in Ho Chi Minh City to attend the trial.

18. (SBU) VFM Bang was noncommittal. He noted that the Italian Vice Foreign Minister had recently been permitted to visit Gia Lai province in the Central Highlands, and said the GVN would soon host Human Rights dialogues with China, Canada and Norway in Hanoi. He also mentioned that the GVN will host a seminar with European countries on the issue of the death penalty. The religious freedom issue often comes down to the inability of the central government to impose control on local authorities, VFM Bang said, quoting the Vietnamese proverb "the law of the emperor stops at the village gate." VFM Bang said he agreed with the Ambassador's points, but admitted that some in the GVN considered him "soft" on the issue of religious freedom.

CENTRAL HIGHLANDS AND MONTAGNARD REFUGEES

19. (SBU) The Ambassador added that social and economic development is also important in the Central Highlands, and that this is an area where the United States wants to make a contribution. With that in mind, he said, he plans to send his Economic Counselor and AID representative to the Central Highlands to discuss economic development. The central government should tell Kon Tum provincial authorities that Hanoi supports this visit, the Ambassador said. VFM Bang noted that the Central Highlands has achieved remarkable growth this year (13 percent in the first ten months of 2004), thanks, in part, to a surge in cashew nut exports.

110. (SBU) VFM Bang told the Ambassador that the Central Highlands has acted as a "brake" on bilateral relations in 2004. "We must solve this issue in a delicate and creative way," he said, by improving living conditions in the Highlands, resolving bilateral issues with the United States, and mollifying at least some of the dissatisfied U.S. domestic constituencies. The GVN has already taken the first steps towards improvement of economic conditions and the involvement of the international community, VFM Bang noted, by pursuing projects with the United Nations Development Program (UNDP) and the Italian development agency. The Ambassador agreed that these were positive steps, and added that the most important thing was to ensure that the local authorities understand that these projects benefit both the province and them personally. This is also true of the situation involving migrants crossing the border into Cambodia. Noting that he had raised the issue of administrative obstacles to Montagnard follow-to-join refugee cases with Minister of Public Security Le Hong Anh (reftel B), the Ambassador asked VFM Bang to advocate for the Ministry of Foreign Affairs' help in facilitating the departure of legitimate applicants. He asked VFM Bang if a potential new program to allow for the orderly departure of migrants from the Highlands had GVN support.

111. (SBU) VFM Bang said he and the GVN were both "considering" such a program. It is clear to the GVN, VFM Bang said, that some of the Montagnards were being used politically by anti-Vietnam groups in the United States and elsewhere. Those migrants had been told to reject both resettlement in a third country and a return to Vietnam in

order to maximize the political trouble for the Vietnamese and Cambodian governments, VFM Bang explained. This strategy, which makes the entire situation more difficult, is deliberately designed to "create misunderstanding," he said. Echoing a theme we have heard before from Communist Party officials (ref C), he said that the United Nations High Commissioner for Refugees (UNHCR) has "lost credibility" by "saying one thing and doing the opposite" in its previous dealings with Vietnam. The current problem, VFM Bang said, is UNHCR's doing. The current 500 refugees in Cambodia could grow to 1,000, he said, and this would be largely facilitated by UNHCR "encouragement." The Ambassador challenged this interpretation of UNHCR activities, and stressed that the GVN has to "talk to UNHCR" to have any hope of solving the problem of Montagnard refugee outflows to Cambodia.

NEW EMBASSY COMPOUND

¶12. (SBU) The Ambassador told VFM Bang that we understand from our sources in Moscow that the Russians want more money as a condition for returning the parcel of land identified for a new U.S. Embassy site. VFM Bang said a MFA delegation had just returned from Russia where they had been told that the problem had been referred to the Russian Ministry of Finance, and that the Russian MFA was waiting for a response from the MOF before moving forward. "This is absurd," VFM Bang said, "we had an agreement when I went to Russia last December."

¶13. (SBU) The Ambassador strongly recommended that the Embassy and the GVN begin discussions on the land parcel, with a final deal contingent on the Russian government releasing the property. VFM Bang said he would explore that option with his colleagues at the MFA and would get back to us.

INTERNATIONAL MILITARY EXCHANGE AND TRAINING

¶14. (SBU) The Ambassador encouraged VFM Bang to recommend the GVN sign an IMET agreement with the United States to allow us to train Vietnamese military personnel. The United States was "ready to start tomorrow" in training Vietnamese officers in English, a skill the Ministry of Defense has identified as a high priority, the Ambassador said. The GVN's objection to the IMET agreement's human rights certification requirement should not be an obstacle because both the Counternarcotics LOA and the release forms Vietnamese law enforcement officers sign before receiving International Law Enforcement Academy (ILEA) training contained the same language. VFM Bang noted that the Counternarcotics LOA had languished for seven years before the GVN signed it.

¶15. (SBU) Comment: On issues that matter to us, such as religious freedom, an Article 98 agreement, and an IMET agreement, VFM Bang is more of a messenger than a policymaker. He seems to understand and sometimes share the U.S. position on many of these issues, but, considering the MFA's institutional insignificance relative to the Party, the Army, and the Ministry of Public Security, VFM Bang's influence is limited. His comments on the Central Highlands and the fact that the unrest there in April 2004 and the United States response "put the brakes on" the bilateral relationship are ones we have heard before. It is unfortunate that the GVN is still holding to the "perfidious UNHCR" argument rather than actively looking for compromise solutions.

MARINE